

COMMENT/ARGUMENT

As indicated in the Response filed in February 2006 in the present case, as well as previous argument, the claimed invention in the case is believed innovative and unique as it communicates the vending data to a service vehicle in a predesignated reception area utilizing repeated, monodirectional or one-way RF transmission from the Vending Machine area to the service vehicle area only, and not visa versa. No transmissions or other data is communicated from the service vehicle area to the vending machines. The system is therefore entirely monodirectional or one way, and it accomplishes this by a specific protocol of operation which has not been done previously, and was uncontroverted, alone or in combination, by the prior art.

Previously filed declarations from respected experts in the industry have attested to this, those documents being in the file. Previous articles and/or news report or media from national sources supported this have likewise been previously submitted.

The product which has been manufactured and sold in the U.S. by applicant has gained marketwide acceptance and notoriety under the BUZZBOX trademark, with evidence and declarations attesting to the success and reputation the of the BUZZBOX, covered under the claimed invention having been submitted in previous filings which are part of the file.

The novel mono-directional technique of the present invention have been established in previously filed declarations and exhibits as being found only in Applicants commercial product, which has enjoyed, as indicated, market acceptance and success. Further, the product under the present invention has in the marketplace been considered so unique that the market has designated

new terminology describing the system, and the BUZZBOX system has been designated in its own unique niche designation in the marketplace

Attached please find Exhibit A a document entitled "NAMA WHITE PAPER - REMOTE MACHINE MONITORING", prepared by Michael L. Kasavana, a professor at Michigan State University. NAMA is the acronym for the National Automatic Merchandising Association, a national organization of vending machine operators and others.

The attached exhibit "A" was believed first published at the NAMA Las Vegas NV Convention in March 2006.

The Exhibit documents the state of remote machine monitoring systems with regard to the vending machine industry, and discusses particularly the technique of "curbside polling" wherein vending data is transmitted from the vending machine area directly to the service truck area, on page 8.

Reffering to Page 8, under "Curbside Polling", the article describes a transmitter located at the vending area, and a receiver located at the at the vehicle. It is indicated that "by using a receiver instead of a transceiver the cost is 50% less." The advantages of the present claimed invention, of the present claimed invention sold under the BUZZBOX mark, including real-time information for the service vehicle are documented. It is also indicated that "Curbside polling is considered the best method of handling daily, unpredictable inventory machines. Curbside polling does not incur line charges or monthly fees within the network, and is the least expensive polling option."

As shown on Page 19, Compuvend, Inc, maker of the Buzzbox brand system which is covered under the claims of the present invention, is the only listed supplier for so-called "Curbside polling" devices described in page 8.


As attested to in earlier filed declarations, the Buzzbox brand system is the only such system known on the market utilizing such claimed techniques.

As indicated in previous discussion, the claimed invention is unique and innovative in that it conveys the data to the reception area utilizing a periodically refreshed, repeated, mono-directional RF transmission to the designated reception area, and this manner of operation has not been contemplated in the cited prior art.

In summary, for reasons set forth in the earlier filed documentation and above, it is respectfully submitted that the present claims should be allowed as being patentable under 35 U.S.C. 103.

If additional issues remain, and the Examiner is of the opinion that same could be resolved by telephone amendment, the undersigned respectfully requests same at (985) 845-0000. Further, if the case is still further rejected, Applicant respectfully requests that the Examiner provide some input as to language that would make the claim(s) allowable.¹

Respectfully submitted,



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¹Under MPEP 707.07(j) the Examiner may "in any case deemed appropriate by the Examiner" .."draft one or more claims for the applicant and indicate in his or her action that such claims would be allowed if incorporated in the application by amendment."